

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Iric Bolden,)	Case No. 8:22-cv-03062-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
)	
Michael Brown, Sheriff TJ Joye, Yvonne))	
McBride, County Council of Richland))	
County, Officer Young,)	
)	
Defendant.)	
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This matter is before the Court upon Plaintiff's amended complaint alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. ECF No. 11. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial proceedings and a Report and Recommendation ("Report"). On September 13, 2022, the Magistrate Judge issued an Order informing Plaintiff that this action was subject to partial summary dismissal. ECF No. 9. Plaintiff was told that he could attempt to cure the defects in the complaint by filing an amended complaint. Plaintiff was warned that failure to file an amended complaint could result in dismissal of his claims with prejudice and without leave for further amendment. Plaintiff filed an amended complaint; however, as noted by the Magistrate Judge, Plaintiff failed to cure the defects in the initial complaint.

On October 7, 2022, the Magistrate Judge issued a Report (“the First Report”) recommending that Plaintiff’s claims be dismissed without issuance and service of process. ECF No. 17. In the First Report, the Magistrate Judge also found that, liberally construed, Plaintiff may have been attempting to name one other defendant. Accordingly, she entered a second proper form order directing Plaintiff to provide service documents for Officer Young. ECF No. 15. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff did not file objections to the First Report, and the time to do so has lapsed.

On November 15, 2022, the Magistrate Judge entered a second Report (“the Second Report”) recommending that Officer Young be dismissed from this action because Plaintiff failed to provide the requested service documents. ECF No. 20. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff did not file objections to the Second Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As stated above, Plaintiff has not objected to the Magistrate Judge's Reports. Accordingly, after considering the record in this case, the applicable law, and the Reports of the Magistrate Judge, the Court finds no clear error and agrees with the recommendations of the Magistrate Judge. Plaintiff's claims against Michael Brown, Sheriff TJ Joye, Yvonne McBride, and County Council of Richland County are dismissed with prejudice, without issuance and service of process, and without leave for further amendment. Plaintiff's claims against Officer Young are dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

December 15, 2022
Spartanburg, South Carolina